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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 January 2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-34* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-34* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

　　a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3*.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1.   A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1 through 34 are provisionally rejected under 35 U.S.C. 101 as claiming

the same invention as that of claim 1 through 34 of copending Application No.

09770522. This is a provisional double patenting rejection since the conflicting claims

have not in fact been patented.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they do not include the following reference sign(s) mentioned in the

description: "400" in FIG.4, "600" in Figs 6A and 6B, FIG.6, and FIG.7A. It seems that

there is a typographical error in the disclosure in mentioning FIG.6 instead FIG.6A and

6B. Similarly, there is a typographical error in the disclosure in mentioning FIG.7A

instead FIG.7. Also bottom margins are not acceptable for drawings 13-21, 23, 24A, 25-

26 and 28B. A proposed drawing correction or corrected drawings are required in reply

to the Office action to avoid abandonment of the application. The objection to the

drawings will not be held in abeyance.

Claim Objections

3.   Claims 29-34 are objected to because of the following informalities: Claim 29

recites the limitation "such features" in line 2 on page 41. Use of "such" renders the

claim indefinite. In order to provide sufficient antecedent basis, "such features" should

be replaced by ---selected features—.

Similarly, claim 30 recites the limitation "such pluralities of features" in line 2 on

page 42. Use of "such" renders the claim indefinite. "such pluralities of features" should

be replaced by ---pluralities of features—.

Also the limitation "features" used in line 3 of claim 29, line 1, of claims 30, and

31, line 2 of claims 32, 33, and 34 on pages 41-42 should be replace –selected

features--- to provide sufficient antecedent basis.

Appropriate correction is required. Claims 29-34 will be further treated on merits

accordingly.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites the limitation " associating a subportion of said plurality of addresses with an identification code; agreeing to said offered price data by storing said information in said subportion, defining agreed price data " in lines 6-9 on page 1. The limitation, "associating a subportion of said plurality of addresses with an identification code " is directed to creating a database software and therefore it is unclear as how this step of creating a database software can be implemented while performing the other process steps of displaying information including price, agreeing to said offered price and changing said agreed price. The step of creating a database software is a pre-established function, and not integrally functional with the rest of the process steps. The step of creating a database and the rest of the process steps of displaying information including price, agreeing to said offered price and changing said agreed price can stand alone without requiring each other. It is alright to use an existing database software to perform the process steps of displaying information including price, agreeing to said offered price and changing said agreed price but by including the process of designing a database software renders the scope of the invention unclear and indefinite. As best

understood by the examiner these limitations will be interpreted and further treated on

merits as follows:

" agreeing to said offered price data by storing said information in a subportion of

said plurality of addresses with an identification code, and defining agreed price data. "

Claim 1 further recites the limitation "agreeing to said offered price data by

storing said information in a subportion of said plurality of addresses with an

identification code, and defining agreed price data; and changing said agreed price data

to said offered price data in response to a predetermined event ". It is unclear if the

offered price data and the agreed price data are same or different. If different then what

are the differences. If the agreed price data is a specially reduced/negotiated price

different from the offered price. If the offered price data and the agreed price data are

same then what is the need to change the agreed price data to the offered price data

after a predetermined event. Due to all these uncertainties claim 1 is rendered indefinite

and unclear.

Since claims 2-7 are dependencies of claim 1 they also inherit the same

deficiencies.

Since claims 8-28 also include the same deficiency as claims 1-7 they are

analyzed and rejected on the basis of same rational.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Geller

et al. (US Patent 5,844,554), hereinafter, referred to as Geller.

Regarding claim 29, Geller teaches a method for managing information

regarding a product (see at least abstract, col.3, lines 20-40, and col.4, lines 16-20

"........*In other words, the sales organization can maintain product information on a database, such as*

price, colors that are available, engine model numbers, etc. and specify a data file containing this

information for usage within the configurator program.......... ".) comprising:

selecting a selected feature from a plurality of selected features, wherein said

product can be configured with at least one of said selected features (see at least

FIG.6 and col.16, line 1-col.17, line 10, " *Configurator Discussion Example ....*

Turn next to FIG. 6 for discussion of an exemplary configuration program module 10 ...... This example

illustrates a typical user interface for an automotive product configurator............... In addition to the

foregoing controls, the display screen 600 is organized in the example with a subsidiary tabbed display

area 610, ... A user with a pointing device such as a mouse and cursor can select various subsidiary

screens such as General, POP (Preferred Option Preferences), Mechanical, Interior, Exterior, Lease,

and Dump Body. As shown in FIG. 6, the General tab 612a has been selected, causing display of the

visual elements Product Line 615, which is a series of graphic displays of goods in a product line (in this

case automotive vehicles). ....". Note: Tabs 612a-General, 612b-POP, 612c-

Mechanicl, 612d-Interior, etc. correspond to the plurality of selected features and

clicking on one of these tabs corresponds to selecting a selected feature).; and

storing said information, wherein said information includes said selected feature

(see at least col.20, lines 45-47, " a "save" icon 817 that generates a menu to save the current

configurator file to disk or other storage medium, ". Note: By saving the configured file the

information about selected feature is stored. The configured file, as analyzed above

includes the information on selected features).

Regarding claim 30, Gell further teaches that said plurality of selected features

is one of a set of pluralities of features (As analyzed above in claim 1 the plurality of

selected features correspond to tabs 612a- General, 612b-POP, 612c-Mechanics, and

612d-Interior . Each of these features are a set of plurality of features, for example tab

612a-General includes features of manufacturer brands and models, see at least again

FIG.6 and col.16, lines 30-49, " ...... A user with a pointing device such as a mouse and cursor

can select various subsidiary screens such as General, POP (Preferred Option Preferences),

Mechanical, Interior, Exterior, Lease, and Dump Body. As shown in FIG. 6, the General tab 612a has

been selected, causing display of the visual elements Product Line 615, which is a series of graphic

displays of goods in a product line (in this case automotive vehicles). The General subscreen 610 further

includes selectable drop down data boxes labeled Line 614 and Model 616, an information display

window 618 that displays data about a selected Line and selected Model, ... It will be understood

that by clicking on the various tabs 612, other subsidiary display screens associated with the

configuration topics of POP, Mechanical, Interior, etc. can be reached. In the FIG. 6 example, the

"Gluon" product line has been selected, as indicated by the highlighted box 630 drawn around the diagram of the Gluon automobile, and as indicated in the Line drop down data selector box 614. A user can select a different product line, e.g. the Meson product line, by clicking on the graphic of the Meson automobile 632, or by using the Line data selector box 614. ....".).

Regarding claim 31, Geller discloses that each one of said selected features corresponds to characteristics of an automobile (FIG.6 and col.16, line 1-col.17, line 10, *" Configurator Discussion Example .... Turn next to FIG. 6 for discussion of an exemplary configuration program module 10 ...... This example illustrates a typical user interface for an automotive product configurator, ...).*

Regarding claim 32, Geller discloses that one of said set of such pluralities of selected features is a make of said automobile (see at least FIG.6 and col.16, lines 41-56, *"...... The General subscreen 610 further includes selectable drop down data boxes labeled Line 614 ...., an information display window 618 that displays data about a selected Line .... In the FIG. 6 example, the "Gluon" product line has been selected, as indicated by the highlighted box 630 drawn around the diagram of the Gluon automobile, and as indicated in the Line drop down data selector box 614. A user can select a different product line, e.g. the Meson product line, by clicking on the graphic of the Meson automobile 632, ... ".* Note: Line 614 corresponds to make of automobile..).

Regarding claim 33, Geller discloses that one of said set of such pluralities of selected features is a model of said automobile (see at least FIG.6 and col.16, lines 30-40, *"...... The General subscreen 610 further includes selectable drop down data boxes labeled ....*

Model 616, an information display window 618 that displays data about .... selected Model, ...

".).

Regarding claim 34, Geller discloses that one of said set of such pluralities of

selected features is a trim level of said automobile (see at least FIG.6 and col.16, lines

41-56, "......A user with a pointing device such as a mouse and cursor can select

various subsidiary screens such as General, POP (Preferred Option Preferences),

Mechanical, **Interior, Exterior,** ..... ". "Interior" feature corresponds to the trim level

feature..).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.1.   Claims 1-3, 6-10, 13-17, 20-24, and 27-28 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Franklin et al. (US Patent 6,125,352), hereinafter, referred

to as Franklin, and further in view of Etzion et al. (US Patent 6,604,093 B1)),

hereinafter, referred to as Etzion.

Regarding claim 1, Franklin discloses a method, employing a browser in data

communication over a network with a server, for determining a price of a product (see at

least FIG.2, and col.8, line 58-col.9, line 14), said server having a plurality of addresses

associated therewith (see at least col. 1, lines 53-55, "...*these systems generally store the*

product information on the server side [e.g., on the merchant Web site... ". Note: The database

which stores the information on the server side would inherently have addresses to

store information in the memory), said method comprising:

displaying information concerning said product in a browser window, said

information including an offered price data of said product (see at least col.8, line 58-

col.9, line 14, ".......*The consumer decides that one of the refrigerators offered by merchant site A is*

well-suited to the consumer's needs. A number of attributes are presented to the consumer, each attribute

capable of being set to one of a number of values. Thus, for example, the user sets a color attribute to

"Egg Shell White," sets an indoor water spout attribute to "No," and an automatic ice-maker attribute to

"Yes." ..... The Web browser 120 directs a corresponding message to the commerce client 122 causing

information about the selected merchant A refrigerator, including the attributes selected......... Such

information includes, for example, a picture of the refrigerator, ..., price, the attributes set by the

consumer, the URL of merchant site A, and also includes a preferred payment source and a preferred

shipping address. ..... " . Note: The various attributes of the refrigerator presented on the

browser corresponds to displaying information concerning about said product);

agreeing to said offered price data by storing said information in a subportion of

plurality of addresses with an identification code defining agreed price data (see at least

col. (see at least col.8, line 58-col.9, line 14 " The consumer decides that one of the

refrigerators offered by merchant site A is well-suited to the consumer's needs. A

number of attributes are presented to the consumer, each attribute capable of being set

to one of a number of values. .... The Web browser 120 directs a corresponding

message to the commerce client 122 causing information about the selected merchant

A refrigerator, including the attributes selected, **to be stored in a gathered products**

database 148. ...... Such information includes, for example, a picture of the refrigerator,

.... **price**, ... The consumer then ends the shopping session with merchant site A

.... ". Note: storing the information including price and other attributes of the

refrigerator selected by the user corresponds to agreeing to said offered price data and

defining the agreed price data. Further, the database management software would

inherently use an identifying code to store and retrieve information. The space occupied

by the data in the storing medium, say the memory, would also be having designated

addresses. As regards the software architecture of the database, see col.16, line 25-

col.19, line 27. Note: Franklin discloses that the information of the product including

price can be stored both on the client computer , see FIG.1, "..*148 Gathered products*

database " as described above and also on the server side " *146 Merchant database* " and

also col. 1, lines 53-55, "...*these systems generally store the product information on the server side*

[e.g., on the merchant Web site... ".).

Franklin does not disclose changing the agreed price data to said offered price

data in response to a predetermined event. However, Etzion teaches changing the

agreed price data to said offered price data in response to a predetermined event (see

at least col.1, lines 10-31, "......... *Reactive systems is a term that is used generally to refer to*

computer applications that detect, evaluate and respond to events. Such events may include substantially

any occurrence of interest that is detected by the computer, such as a change in the price of a stock,

.... *The timing, sequence and content of these events are generally not known in advance. ... Various tools have been developed in order to allow events and their attendant reactions to be specified in a general, flexible way. Many of these tools are based on Event-Condition-Action (ECA) rules and provide a language of operators for specifying these rules. ....* ", and col.1, line 66-col.2, line 5, "*.....In these systems, ECA rules are attached to a database in order to monitor situations of interest that may occur in the database (or beyond the database, as appropriate), and trigger timely responses when the situations occur, even without an explicit request from a user or application.* " Note: Etzion explicitly discloses here to trigger predetermined reactions and/or changes to an entry in a database in response to predetermined event or occurrence of a situation and this teaching applies to the claimed limitation of changing the agreed price to offered price in response to a predetermined agreement. Changing the agreed price data to offered price data corresponds to change to an entry in a database. The changes in data entry includes the changes in the characteristics of the product, price of the product, delivery of the product, and other terms which would have been agreed earlier but are subject to change now owing to invalidation of the offer or change in the circumstances. It is a common practice when submitting offers for products to specify the condition " subject to prior sale" and if in the meantime the product is sold then this event can trigger off a reaction to cancel the agreed price data. .).

In view of Etzion, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to have modified Franklin to incorporate the feature of changing the agreed price to offered price in response to a predetermined event. Doing so will allow the system to react in the predefined manner in response to an occurrence of a situation of interest, for example, to automatically invalidate the price quote

/agreement/contract on the expiration of validity and accordingly change the entry in the

database even without receiving an indication or request from the user (it is a well-

known fact that price contracts/agreements/quotes are valid for a defined time and at

the expiry of the defined time the validity of price quotes/contracts/agreements expires).

Regarding claim 2, Franklin in view of Etzion as applied to claim 1 teaches a

method, employing a browser in data communication over a network with a server, for

determining a price of a product, storing the agreed price data in a database and

changing the agreed price to the offered price in response to a predetermined event, as

analyzed above. Franklin in view of Etzion as applied to claim 1 does not explicitly

disclose that said predetermined event includes expiration of a preset amount of time.

However, Etzion teaches that said predetermined event includes expiration of a preset

amount of time (see at least col.11, lines 8-17, "........*Lifespans of different situations may also*

be grouped, or clustered, and terminated by a common terminator. It is also possible to define an

expiration time for a given lifespan or group of lifespans, so that the lifespans end even in the

absence of a terminator event. ".). In view of Etzion, it would have been obvious to a

person of an ordinary skill in the art at the time of the invention to have modified

Franklin in view of Etzion as applied to claim 1 to incorporate the feature that

predetermined event includes expiration of a preset amount of time because it will allow

the system to automatically invalidate the price quote /agreement/contract on the

expiration of validity and accordingly change the entry in the database even without

receiving an indication or request from the user (it is a well-know fact that price

contracts/agreements/quotes are valid for a defined time and at the expiry of the defined

time the validity of price quotes/contracts/agreements expires).

     Regarding claim 3, Franklin in view of Etzion as applied to claim 1 teaches a

method, employing a browser in data communication over a network with a server, for

determining a price of a product, storing the agreed price data in a database and

changing the agreed price to the offered price in response to a predetermined event, as

analyzed above. Franklin suggests that said predetermined event includes dissociating

said information from said subportion of said plurality of addresses ((see at least col.22,

line 22-col.23, line 6, *"....Web documents 310 of the system may also host a DELETE ITEM option

to remove an item from the electronic shopping basket. FIG. 8 illustrates the steps performed to carry out

the DELETE ITEM option. .... Thus, the product data structure of the selected product is no longer

referenced (is delinked) from the in-memory data structures and is effectively deleted. The DELETE ITEM

option is offered to consumers via the commerce client user interface as well as on Web documents

displayed by the Web browser 120.* ". Note: dissociating said information from said

subportion of said plurality of addresses implies deleting the stored information from the

database and that is what Franklin teaches by "delete item option, i.e. , deleting a data

structure relating to information stored earlier including price).

     Regarding claim 6, Franklin in view of Etzion as applied to claim 2 teaches a

method, employing a browser in data communication over a network with a server, for

determining a price of a product, storing the agreed price data in a database and

changing the agreed price to the offered price in response to expiration of a preset

amount of time, as analyzed above.

Franklin in view of Etzion as applied to claim 2 does not explicitly disclose that

the said preset time is in a range of one to ten days. The method claim 2 further limits

the step of changing the agreed price data to offered price data based upon a

predetermined event by specifying that the predetermined event is expiration of a preset

time. Regardless what is the preset time is the step of changing the price data will be

performed and therefore the amount of preset time is only found in the *nonfunctional*

descriptive material and is not *functionally* involved in the step recited for changing the

price data. Thus, this *non-functional descriptive material* will not distinguish the claimed

invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d

1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of an ordinary skill in the art at

the time of the applicant's invention to preset the expiration time to any required range

because such information do not *functionally* relate to the steps in the method claimed

and because the subjective interpretation of presetting the expiration time do not

patentably distinguish the claimed invention.

Regarding claim 7, Franklin in view of Etzion as applied to claim 1 teaches a

method, employing a browser in data communication over a network with a server, for

determining a price of a product, storing the agreed price data in a database and

changing the agreed price to the offered price in response to a predetermined event,

as analyzed above. Franklin also teaches that the said offered price data includes

information includes taxes associated with a geographic region and a manufacture's

suggested retail price (MSRP), and said changing said agreed price data comprises:

varying said MSRP independently of said taxes. (see at least col.15, lines 12-24, " ....

The commerce server 130 performs two primary tasks. .... the commerce server retrieves various

data items in connection with a product, such as SKU (stock keeping unit) number, product name, ...

*price, expiration date, **tax**, and shipping charges. This data is packaged as a MIME file of type "x-*

ishopper" and sent back to the consumer computer 102 via the Web browser 120, as described above.

.... ". Note: taxes and shipping charges are calculated as applicable for the

geographic location, where the item is to be shipped. Franklin teaches collecting the

information about the shipping address, see col.15, lines 47-51, "......... *The storage area*

112 comprises ...... shipping address data 142, all of which has been selectively stored and/or manually

entered by the user. " . The "price" in Franklin corresponds to MSRP as claimed.

The limitation of varying said MSRP, it is already covered and analyzed in

claim 1 for the limitation changing said agreed price data to said offered price data in

response to a predetermined event. Regarding the limitation that taxes should not be

changed when varying MSRP it will be inherent in the tax calculation software disclosed

in Franklin because for the same geographic location the tax rate would be the same.

Regarding system claims 8-10 and 13-14, the functional limitations are parallel

to the method steps of claims 1-3 and 6-7 and are therefore rejected under 35 U.S.C.

103(a) as being unpatentable over Franklin and in view of Etzion on the basis of same

rational. As regards the system elements comprising a processor, configured to operate

browser, a network interface coupled to said processor and a server via network, see

Franklin, FIG.1 and FIG.2.

Regarding computer program product claims 15-17 and 20-21, the functional

limitations are parallel to the method steps of claims 1-3 and 6-7 and are therefore

rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin and in view of

Etzion on the basis of same rational. As regards the system elements comprising a

processor, configured to operate browser, a network interface coupled to said processor

and a server via network, see Franklin, FIG.1 and FIG.2.

Regarding the apparatus claims 22-24 and 27-28, the functional limitations are

parallel to the method steps of claims 1-3 and 6-7 and are therefore rejected under 35

U.S.C. 103(a) as being unpatentable over Franklin and in view of Etzion on the basis of

same rational. As regards the means for elements like, display screen, a processor,

configured to operate browser, a network interface coupled to said processor and a

server via network, a database to store information in the subportion of addresses with

identification code see Franklin, FIG.1 and FIG.2.

6.2.   Claims 4-5, 11-12, 18-19, and 25-26, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Franklin and in view of Etzion and further in view of Wolfe et al.

(US Patent 6,282,517), hereinafter, referred to as Wolfe.

Regarding claim 4, Franklin in view of Etzion as applied to claim 1 teaches a

method, employing a browser in data communication over a network with a server, for

determining a price of a product, storing the agreed price data in a database and

changing the agreed price to the offered price in response to a predetermined event, as

analyzed above. Franklin in view of Etzion as applied to claim 1 does not explicitly

discloses that said information corresponds to characteristics of an automobile.

However, in the field of same endeavor, i.e., conducting electronic commerce of buying

and selling products online, Wolfe teaches displaying information corresponding to

characteristics of an automobile (see at least FIGS. 14-16 and col.10, line 15-col.11,

line 24, "...............*In one example, FIG. 14 generally illustrates an example of a used vehicle search*

request for an Acura 3.5RL. Clicking on a hypertext link 1402 using a pointing device such as a mouse, or

the like, may advantageously display another web page as generally illustrated by FIG. 15.. ....

FIG. 7 illustrates a set of information fields comprising a new vehicle purchase request record according

to one embodiment of the invention. Fifteen fields are illustrated comprising new vehicle purchase request

identification number 702, submit time stamp 704, dealer identification number 706, vehicle make 708,

vehicle model 710, vehicle model year 712, purchase time frame 714, vehicle specifics 716, requested

accessories 718, requested aftermarket products 720, ... ").

In view of Wolfe, it would have been obvious to one of an ordinary skill in the art

at the time of the invention to have modified Franklin in view of Etzion as applied to

claim 1 to incorporate the feature of Wolfe of displaying information corresponding to

characteristics of an automobile because it will allow consumers to obtain competitive

prices for automobiles, as per their choice, conveniently from their office desk or home

and save them time and energy from the unpleasant process of haggling with

salespersons.

Regarding claim 5, Franklin in view of Etzion as applied to claim 1 teaches a

method, employing a browser in data communication over a network with a server, for

determining a price of a product, storing the agreed price data in a database and

changing the agreed price to the offered price in response to a predetermined event, as

analyzed above.

Franklin in view of Etzion as applied to claim 1 does not explicitly discloses that

said information corresponds to characteristics of an automobile. However, in the field

of same endeavor, i.e., conducting electronic commerce of buying and selling products

online, Wolfe teaches displaying information corresponding to characteristics of an

automobile (see at least FIGS. 14-16 and col.10, line 15-col.11, line 24, "..............*In one*

example, FIG. 14 generally illustrates an example of a used vehicle search request for an Acura 3.5RL.

Clicking on a hypertext link 1402 using a pointing device such as a mouse, or the like, may

advantageously display another web page as generally illustrated by FIG. 15.. .... FIG. 7 illustrates

a set of information fields comprising a new vehicle purchase request record according to one

embodiment of the invention. Fifteen fields are illustrated comprising new vehicle purchase request

identification number 702, submit time stamp 704, dealer identification number 706, vehicle make 708,

vehicle model 710, vehicle model year 712, purchase time frame 714, vehicle specifics 716, requested

accessories 718, requested aftermarket products 720, ... ").

In view of Wolfe, it would have been obvious to one of an ordinary skill in the art

at the time of the invention to have modified Franklin in view of Etzion as applied to

claim 1 to incorporate the feature of Wolfe of displaying information corresponding to

characteristics of an automobile because it will allow consumers to obtain competitive

prices for automobiles, as per their choice, conveniently from their office desk or home

and save them time and energy from the unpleasant process of haggling with

salespersons.

As regards the limitation of varying said characteristics it has already been

covered in claim 1 while analyzing the limitation changing said agreed price data to said

offered price data in response to a predetermined event because agreed price data and

offered price data also included information about the characteristics of the product.

Regarding claims 11-12, 18-19, and 25-26, the limitations are parallel to the

method steps of claims 4-5 and are therefore rejected under 35 U.S.C. 103(a) as being

unpatentable over Franklin and in view of Etzion and further in view of Wolfe on the

basis of same rational.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

(i) US Patent 6,167,383 to Henson discloses conducting online commerce comprising of configuring customized orders via Internet on a web-based online store (see at least abstract).

(ii) US Patent 6,339,763 to Divine et al. discloses a web-based online system and method enabling user to see and select vehicle and accessories (see at least database).

(iii) US Patent 5,734,150 to Brown et al. teaches that the prices of a selected product can be varied as a function of time (see at least col.7, line 49-col.8, line 37).

(iv) US Patent 5,749,785 teaches a computerized system for accepting bets comprising that neither party can back out from the bet based upon a predetermined event such as after expiration of a predetermined time limit (see at least col.12, lines 5-14).

(v) WO 98/19259 to Perkowski discloses a system and method to find product related information over the Internet (see at least abstract).

(vi) Fixmer, Andrew H.; " Let's Make a Deal," Now on the Web"; New York times; Late Edition, East Coast; New York; Dec 24, 1999; pg.F.1, extracted on Internet from http://proquest.umi.com on 01/7/2004 discloses displaying online information and negotiating prices about cars and other products by accessing designated web sites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone number

for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.
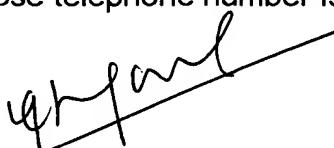
Yogesh C Garg
Examiner
Art Unit 3625

YCG
01/05/2004